

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**In Re: Methyl Tertiary Butyl Ether (“MTBE”)
Products Liability Litigation**

Master File No. 1:00-1898 (VSB)

This document relates to:

MDL 1358

***Orange County Water District v. Unocal Corp.,
et al., Case No. 04 Civ. 4968 (VSB)***

**VALERO DEFENDANTS’ NOTICE OF MOTION AND
JOINDER IN MOTION TO DISMISS FOR LACK OF PROSECUTION**

TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendants Ultramar, Inc., Valero Refining Company-California, and Valero Marketing and Supply Company (collectively, “Valero Defendants”) hereby join Defendant Southern Counties Oil Co.’s (“Southern Counties”) motion to dismiss for lack of prosecution. S.D.N.Y. Dkt. No. 520. The Valero Defendants move to dismiss all claims asserted against them by Plaintiff Orange County Water District (“OCWD”) with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

This Motion is based on this Notice of Motion and Joinder in Motion to Dismiss, the concurrently filed Memorandum and Declaration of Erika Anderson, any oral argument the Court may entertain, and upon the pleadings and papers on file with the Court.

Dated: March 3, 2022

Respectfully submitted,

DOWD BENNETT, LLP

By: /s/ Erika Anderson

James F. Bennett

Erika M. Anderson

Kelly J.H. Murrie

7733 Forsyth Blvd., Suite 1900

St. Louis, Missouri 63105

Telephone: (314) 889-7300

Facsimile: (314) 863-2111

jbennett@dowdbennett.com

eanderson@dowdbennett.com

kmurrie@dowdbennett.com

Admitted pro hac vice

**Attorneys for Ultramar, Inc., Valero Refining
Company-California, and Valero Marketing and
Supply Company**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Valero Defendants' Notice of Motion and Joinder in Motion to Dismiss for Lack of Prosecution was served upon counsel for MDL, Plaintiff, and to all other counsel of record via CM/ECF on the 3rd day of March, 2022.

/s/ Erika M. Anderson